



Memorandum

TO: Historic Landmarks Commission **FROM:** Courtney Damkroger

SUBJECT: SEE BELOW

DATE: January 27, 2004

APPROVED:

DATE:

**REQUEST FOR REMOVAL OF THE HISTORIC PROPERTY LOCATED AT
386 MARGARET STREET (IDENTIFIED IN GEOGRAPHIC AREA NO. 3 OF THE
EAST DOWNTOWN FRAME SURVEY) FROM THE HISTORIC RESOURCES
INVENTORY**

BACKGROUND

As part of the Public Outreach during the course of the East Downtown Frame Historic Resources Survey, Planning staff worked with the University Neighborhoods Coalition and the South University Neighborhood Association to attend several Neighborhood meetings to answer property owner and tenant questions. As part of the Public Outreach during the addition of Qualifying Properties to the Inventory, Planning Administrative Staff posted information on the City's Planning Division website, mailed Hearing Notices to the properties within a 500-foot radius of the Geographic Area, and mailed Owner Information Letters to property owners as listed on DPR forms two weeks prior to the Public Hearing.

At the October 1, 2003 meeting The Historic Landmarks Commission voted (5-0-2, Janke and Paim absent) to add the Qualifying East Downtown Frame Survey Historic Properties identified in Geographic Areas No. 2 and No. 3 (with the exception of the property located at 755 S. Tenth St.) to the City of San Jose Historic Resources Inventory. The property located at 386 Margaret Street was added to the Inventory as identified in Geographic Area No. 3.

On October 3, 2003 Planning Staff received the attached e-mail message from the owner of the property located at 386 Margaret St. in Geographic Area No. 3, Mr. Michael Mullinix. Mr. Mullinix requested that his property be removed from the Historic Resources Inventory because he was not noticed in a timely manner of the Historic Landmarks Commission decision to add his property to the Inventory, due to the use of an outdated owner address listed on the DPR form. On October 23, 2003, Staff answered Mr. Mullinix's e-mail message and forwarded him information about the East Downtown Frame Survey and the benefits and implications of listing a two-family residence on the Inventory (see attached).

At the December 3, 2003 Historic Landmarks Commission meeting Mr. Mullinix, spoke to reiterate his email request to the Commission that his property be removed from the Historic Resources Inventory because 1) the property was insignificant, and 2) he believed owning a

property listed on the Inventory could cause delays in receiving building permits, could result in unknown financial costs, and could effect property values.

Commissioners and staff spoke at the hearing to explain that listing a two-family residence on the Inventory 1) gives the owner the benefit of using the California State Historic Building Code, which allows for more flexibility than the regular code and can represent a financial savings and 2) does not change the Planning Permits required for exterior alterations to the structure. The Commission deferred the decision to retain or remove the property from the Inventory in order to allow the applicant more time to fully understand the implications of listing. (5-0-2) Paim and Polcyn, absent.

ANALYSIS

A telephone message was left at Mr. Mullinix's home on Friday, January 23, 2004 to remind him that the item would be heard at the February 4, 2004 HLC meeting.

As indicated in the attached DPR form and tally sheet, the circa 1905 two-family residence located at 386 Margaret Street received a rating of 52 under the City's Historic Evaluation Criteria and qualifies as a Structure of Merit on the Inventory. The DPR form states, "The residence at 386 Margaret Street retains a high degree of integrity; the location, design, materials, workmanship, feeling, and association appear to be unchanged. In addition, because most of the houses surrounding the property are historic, the setting of the residence is intact. The current footprint of the building matches that shown on the 1915 Sanborn Map... and represents the overall residential development of this neighborhood from 1880 to 1930... the building is not within the boundaries of and does not contribute to the potential historic district identified in this neighborhood." Planning Staff has visited the site and verified the integrity of the structure and setting.

RECOMMENDATION

Planning staff recommends that the Historic Landmarks Commission uphold their October 1, 2003 decision adding the qualifying historic property located at 386 Margaret Street, and identified in the East Downtown Frame Survey as a Structure of Merit, to the City of San Jose Historic Resources Inventory.

Courtney Damkroger
Historic Preservation Officer

Attachments: E-mail letters
Geographic Area No. 3 Property List and Map
DPR form